

June 11, 2007

South Shore Tiverton, LLC
c/o Robert P. Barrile
PO Box 338
West Bridgewater, MA 02379

Re: Tiverton Zoning Board Relief, Map 2-8, Block/Plat 117, Card/Lot 30 & 30A

Dear Mr. Barrile:

The following is the decision on your Petition scheduled for hearing by the Tiverton Zoning Board of Review (hereinafter the "Board") on June 6, 2007 for a variance from Article V, Section 1 and Article XIV, Sections 4 & 5 of the Tiverton Zoning Ordinance to demolish and existing structure and replace it with a new structure on property located at 411-413 Bulgarmarsh Road, Tiverton, Rhode Island, at Map 2-8, Block/Plat 117, Card/Lot 30 & 30A (the "Property") located in R40 & R80 zones.

This matter was previously scheduled to be heard by the Board on February 7, 2007 and April 4, 2007 but was continued at the request of the applicant. At the call of the petition by the Board at their June 6, 2007 meeting, no response was made and it was determined that the petitioner had failed to appear or give notice of their inability to appear. Since this petition had been continued on two previous occasions and no attempt had been made by the petitioner to contact the Board or otherwise explain their failure or inability to appear, a motion was made to deny the application of the petition for their failure to appear and present evidence sufficient to address the standards for review for the granting of their sough after relief.

At the public hearing for which due notice was given and a record kept, and after having viewed the Property and the surrounding area, the Board, taking into consideration its knowledge and expertise and based on the petitioner's failure to appear at the public hearing, makes the following findings:

1. That the Property contains approximately 229,270 square feet of land area, more or less, and is zoned R40 and R80.
2. The petitioner desires to legalize an existing modular building erected without a building permit that would expand an existing non-conforming use and exceed the height limit permitted.
3. That the subject carport is a large and imposing structure that dominates the surrounding area.
4. The petitioner did not obtain a building permit for to erect a new structure on the Property and was issued a Notice of Violation by the Building Official.

Based on the foregoing, the Board made a motion to deny the variance request of the petitioner. After deliberations on the petition, the Board voted unanimously to deny the petitioner's application for the necessary variances, as follows:

- a. Special conditions and circumstances do not exist which are special and peculiar to the land or structure involved or are not due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would not result in an unnecessary hardship on the petitioner.
- c. The unnecessary hardship which the petitioner seeks to avoid has been imposed by his prior improper actions.
- d. The granting of the requested variance will alter the general character of the surrounding area and will impair the intent or purpose of the zoning ordinance and the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is not the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins when this decision is recorded and posted with the Town Clerk's Office).

Sincerely,

David Collins, Chairman
Tiverton Zoning Board of Review

Recorded 6-11-07 151pm
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